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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,103	06/25/2001	M. Vedat Eyuboglu	12144-007001	8547
26161	7590	01/28/2005	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			STEVENS, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,103

Applicant(s)

EYUBOGLU ET AL.

Examiner

Roberta A Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-27 and 35-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-27, 35-39, 42-46 and 48-50 is/are rejected.
- 7) ☒ Claim(s) 40, 41 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8, 11/2002.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 35 recites the limitation "access terminal" on line 14. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 38 recites the limitation "access terminal" on line 4. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 49 recites the limitation "access terminal" on line 15. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 50 recites the limitation "access terminal" on lines 16 and 17-18. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 25 recites the limitation "RCN" on line 2. There is insufficient antecedent basis for this limitation in the claim.
- 7.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8-27 and 35-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hokkanen (WO 98/08353) in view of Oom (US 6738625 B1).

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10. Regarding claims 35, 36 and 42, Hokkanen teaches (fig. 2) a method comprising: in connection with a wireless mobile network including a first and second RNC (BSC1, BSC2) and a first and second radio node (BTS2, BTS4); establishing a first traffic channel between a first mobile access terminal and a first RNC; sending and receiving a first plurality of data over a first traffic channel between the first radio node and the first RNC without passing through the second RNC; establishing a second traffic channel between a second mobile access terminal and the second RNC; sending and receiving a second plurality of data over a second traffic channel between the second radio node and the second RNC without passing through the first RNC, and maintaining the first traffic channel as the first mobile access terminal moves from a coverage area of the first radio node to a coverage area of the second radio node, sending and receiving a third data traveling between the second radio node and the first RNC without passing through the second RNC.

11. Hokkanen does not teach packet network.

12. Oom teaches (col. 6) packet routing which implies that the system is a packet network.

It would have been obvious to one of ordinary skill in the art to adapt to Hokkanen's system Oom's concept of packet routing to enhance the scope of the system.

13. Regarding claims 8-12, Oom teaches (figs. 1 and 2) routing a fourth plurality of packets to a default RNC, the radio node receiving a paging request, forward and reverse link traffic channel packets, from more than one RNC, RNC requests resources from radio node before adding sectors to a traffic channel.

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14. Regarding claims 13- 18 Hokkanen teaches (figs. 1 and 2) the RNCs reside in different locations and are connected via a metropolitan area network, the first session is transferred from one RNC in one subnetwork to another in another subnetwork based upon a predetermined criterion, the transfer is triggered by a change detected (fig. 8), and mobility manager to maintain position of the access terminal maintain.

15. Regarding claims 19- 27, Hokkanen teaches (figs.8 and 9) assigning sessions to the RNCs, determining an association between the RN's and RNCs, load balancing, RNC and RN communicate resource information to each other to enable network nodes to make session assignment decisions on their own, and IP (fig. 3).

16. Regarding claims 37-39, Hokkanen teaches (fig. 4) sending an access channel message from the first mobile access terminal to the first RNC via the second RN and RNC, signaling between the first and second RNC when establishing a traffic channel between the first RNC and the first mobile access terminal, determining an IP address of the RNC using a session identifier (col. 6, lines 28-40).

17. Regarding claims 43-46, Hokkanen teaches (figs. 8 and 9) selecting the RNC in the first RN based on loading of the second RNC, based on routing distance.

18. Regarding claims 49 and 50, Hokkanen teaches (fig. 2) a computer program product in an information carrier, and to work in a mobile wireless network including a first and second RNC

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(BSC1, BSC2) and a first and second radio node (BTS2, BTS4), method and apparatus comprising: establishing a traffic channel between a first mobile access terminal and a first RNC; send a receiving a first plurality of data over a first traffic channel between the first radio node and the first RNC without passing through the second RNC; establish a second traffic channel between a second mobile access terminal and he second RNC; send and receive a second plurality of data over a second traffic channel between the second radio node and the send RNC without passing through the first RNC, and maintain the first traffic channel as the first mobile access terminal moves from a coverage area of the first radio node to a coverage area of the second radio node, send and receive a third data traveling between the second radio node and the first RNC without passing through the second RNC.

19. Hokkanen does not teach packet network.

20. Oom teaches (col. 6) packet routing which implies that the system is a packet network.

It would have been obvious to one of ordinary skill in the art to adapt to Hokkanen's system

Oom's concept of packet routing to enhance the scope of the system.

Allowable Subject Matter

21. Claims 40, 41 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

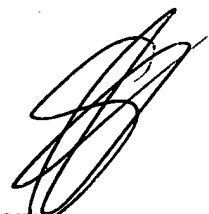
1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161.

The examiner can normally be reached on M-F 9:00am-5:30pm.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER